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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/662,492 | 09/15/2000 | J. Keith Kelly | 6945.002.00 | 3670 |

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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

EXAMINER

GART, MATTHEW S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3625

DATE MAILED: 01/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/662,492

Applicant(s)

KELLY ET AL. *SW*

Examiner

Matthew s Gart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 21-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant's arguments, see Paper No. 8, filed 12/15/2003, with respect to the rejection(s) of claim(s) 1-20 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Cppress.

No amendments were filed via Paper No. 9. Claims 1-20 are pending in the instant application and claims 21-33 were withdrawn from further examination via Paper No. 4.

Drawings

This application has been filed with informal drawings, which are acceptable for examination purposes only. Figures 3-5 contain rough text, which may affect clarity when reproduced.

Applicant is required to submit a formal correction of the noted defect. Applicant is required to submit drawing corrections promptly. Drawing objections may no longer be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Cppress.com (PTO-892, Ref U).

Referring to claim 1. Cppress discloses a method of providing information on pesticides, comprising inputting into a computer:

- The identity of a pest existing on a property (Page 2, Search by all the above plus: Crop / Plant / Site use” and Page 6);
- The identity of a plant or crop existing on the property, wherein said plant or crop is adversely affected by said pest (Page 2, “Search by all the above plus: Pest Use and Page 6); and
- Executing an algorithm for generating therefrom instructions for choosing a pesticide to protect said plant or crop from said pest (Page 1, “View all of the above plus: Product Summaries” and Page 3).

The Examiner notes that in the instant application, the information inputted into the computer (identity of a pest and identity of a crop) is not linked to the information used in executing the algorithm. There is not a linking limitation connected these separate steps.

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Referring to claim 2. Cppress further discloses a method wherein said instructions allow for a comparison of different products (page 1).

Referring to claim 3. Cppress further discloses a method wherein the instructions provide access to a material safety data sheet (Page 3, "Agricultural Services").

Referring to claim 4. Cppress further discloses a method comprising obtaining the product by sale on-line (Page 2, "Greenbook Website").

Referring to claim 5. Cppress further discloses a method wherein the algorithm initiates an analysis of restrictions on the sale of the pesticide (Page 1, "Indexes flag products that are Restricted Use").

Referring to claim 6. Cppress further discloses a method wherein analysis includes validating information regarding a pesticide applicator (Page 8 and Page 9).

Referring to claim 7. Cppress further discloses a method wherein the analysis includes validating information regarding a pesticides dealer (Page 5).

Referring to claim 8. Cppress further discloses a method wherein information regarding an on-line sale of the product is entered into a central database (Page 2, "Greenbook Website").

Referring to claims 9-12. Cppress further discloses a method comprising accessing a farm-planning guide to assist a user in optimizing crop yield, providing information regarding seeds, and providing information regarding fertilizers (Page 3, "Agricultural Services").

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Referring to claim 13. Claim 13 is rejected under the same rationale as set forth above in claim 1.

Referring to claim 14. Claim 14 is rejected under the same rationale as set forth above in claim 5.

Referring to claim 15. Claim 15 is rejected under the same rationale as set forth above in claim 6.

Referring to claim 16. Claim 16 is rejected under the same rationale as set forth above in claim 7.

Referring to claim 17. Cppress further discloses a method wherein the memory further stores a central database of pesticides according to geographical areas (Page 6, "Indexes flag Restricted Use Products, and those not registered in California").

Referring to claims 18-20. Claims 18-20 are rejected under the same rationale as set forth above in claims 9-12.

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication should be directed to Matthew Gart whose telephone number is 703-305-5355. This examiner can normally be reached Monday-Friday, 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 703-308-1344. The fax phone

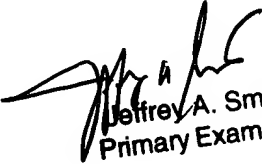
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numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

MSG

December 27, 2003



Jeffrey A. Smith
Primary Examiner